

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

MATTHEW S. BURCAR, et al.,

Plaintiffs,

Case No. 22-cv-12054  
Hon. Matthew F. Leitman

v.

DECORATIVE PANEL  
INTERNATIONAL, INC.

Defendant.

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**ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT**

Plaintiffs Matt Burcar and John Burek, individually and on behalf of each member of the Settlement Class, moved this Court pursuant to Rule 23 of the Federal Rules of Civil Procedure for an order preliminarily approving the proposed settlement of this lawsuit in accordance with the Settlement and Release Agreement (the “Agreement”)<sup>1</sup> filed with this Court, and the Court having read and considered the Agreement, and Plaintiff and Defendant having consented to the entry of this Order:

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<sup>1</sup> Capitalized terms used herein but not defined shall have the meanings ascribed to them in the Agreement.

**IT IS HEREBY ORDERED:**

1. The Agreement, and all of its terms and conditions, is preliminarily approved as fair, just, reasonable and adequate, subject to further consideration at a Fairness Hearing.

2. For purposes of settlement only, the Court conditionally certifies the Settlement Class pursuant to Federal Rule of Civil Procedure 23(b)(3). The Court further finds that all of the requirements of Fed. R. Civ. P. 23(a) and (e)(1) are satisfied. Matt Burcar and John Burek are appointed as representative of the Settlement Class, and Steven D. Liddle, Matthew Z. Robb, and the law firm of Liddle Sheets Coulson P.C are hereby appointed as Class Counsel.

3. The Court approves the form of the Class Notice (Exhibit C to the Agreement) and directs that Class Counsel shall serve same upon the Settlement Class (by first class mail, postage prepaid to each residential address within the Class Area no later than twenty-one (21) days after the Court issues this Preliminary Approval Order. The Court finds that service of the Settlement Notice in this manner constitutes the best notice practicable under the circumstances to members of the Settlement Class and complies fully with the provisions set forth in Federal Rule of Civil Procedure 23(e)(1) and any and all substantive and procedural due process rights guaranteed by the United States Constitution and any other applicable law. The Court further finds that the Class Notice clearly and concisely informs the

Settlement Class of their rights and options with respect to the proposed settlement, in plain, easily understood language, in conformance with the requirements of Federal Rule of Civil Procedure 23.

4. The Class Notice, along with copies of the Agreement and the Claim Form (Exhibit C to the Agreement) shall be posted by Class Counsel on the website [www.lscounsel.com/dpisettlement](http://www.lscounsel.com/dpisettlement).

5. As provided for in the Class Notice, the Settlement Class shall be afforded the right to either Opt-Out of the Settlement Agreement or object to the final approval of this Settlement.

6. The Fairness Hearing is scheduled for March 5, 2024, at 1:30 p.m., at which time the Court will consider the entry of the Final Judgment (Exhibit B to the Agreement).

7. Members of the Settlement Class shall have until forty-five (45) days after the mailing of the Class Notice to Opt-Out of the Settlement Class. Any Class Member who chooses to Opt-Out shall be excluded from the Settlement Class and shall have no rights under the Agreement. A request for exclusion must be in writing, state the name of the Class Member, the address of the Settlement Class area property, and contain the following statement: "I WANT TO BE EXCLUDED FROM THE SETTLEMENT IN THE DECORATIVE PANELS INT'L CLASS ACTION LITIGATION." The request must be signed and mailed to the address

provided in the Class Notice and postmarked (or mailed by overnight delivery) within forty-five (45) days after the date of mailing of the Class Notice by Class Counsel.

8. All members of the Settlement Class who do not Opt-Out of the settlement shall have forty-five (45) days after the mailing of the Class Notice to object to the proposed settlement. Any objection must be in writing, be signed by the objecting Class Member, state the specific grounds for the objection, be filed with the Court, and be mailed to Class Counsel and counsel for Defendant. Further, any person objecting to final approval of the Agreement may appear in person at the Fairness Hearing. Any member of the Settlement Class who fails to timely object substantially in the manner prescribed herein or to appear at the Fairness Hearing shall be deemed to have waived his or her objections and forever be barred from making any such objections in this action. Only members of the Settlement Class shall have the right to object to the settlement. At any time prior the Fairness Hearing, Class Counsel and Defendant shall have the right to respond in writing to any objections timely received.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: December 5, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 5, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126